

### REMARKS

This election and amendment is in response to the Office Action, dated November 14, 2007 ("Office Action"). Following entry of the present amendment, claims 9, 16 and 17 are pending. No new matter is added. Examination of the claims in view of the foregoing amendment and ensuing remarks is respectfully requested.

Claims 16 and 17 are added to describe "[t]he method of claim 9, wherein the mutant  $\gamma$  actin has a sequence shown in SEQ ID NO:6 wherein residue number 103 is leucine" and "[t]he method of claim 9 wherein the mutant  $\gamma$  actin has a sequence shown in SEQ ID NO:7 wherein residue number 98 is leucine," respectively. Support for these amendments may be found throughout the specification and claims as originally filed.

In the Office Action, Examiner required election among aspects of the claimed invention described in Groups I-X under 35 U.S.C. §§121 and 372. The Groups are enumerated in the Office Action and are not re-presented here. Upon election of Groups IX or X, Examiner further required election of particular species.

Applicants hereby elect the embodiment of the instant invention described in **Group II** (drawn to a method for inducing in a cell a resistance to an anti-microtubule agent comprising the step of providing in a cell, a mutant  $\gamma$  actin, classified in Class 435, subclass 7.1) for prosecution on the merits. Applicants submit that claim 9 and new claims 16 and 17 read upon this election. Applicants reserve the right to pursue the unelected subject matter in one or more divisional applications.

All of the claims in the application are now believed to be allowable. Favorable consideration and a Notice of Allowance are earnestly solicited. If for any reason Examiner finds the application other than in condition for allowance, Examiner is requested to call either of the undersigned attorneys at the Los Angeles telephone number (213) 633-6800 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,  
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